

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

AARON THRASHER,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-03263-JPH-DLP
)	
CARVANA LLC,)	
)	
Defendant.)	

ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS

On March 31, 2021, Defendant Carvana LLC filed a motion to enforce settlement agreement, dkt. [9], which the Court referred to Magistrate Judge Pryor under 28 U.S.C. § 636(b)(1)(B), dkt. 11. While that motion was still pending, Plaintiff filed a motion to dismiss with prejudice. Dkt. [13]. Defendant has not responded to the motion to dismiss.

Under Federal Rule of Civil Procedure 41(a)(2), "an action may be dismissed at the plaintiff's request . . . by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). In its motion to enforce settlement agreement, Defendant indicated that "the parties mutually agreed to a resolution of this matter pursuant to [a] settlement agreement." Dkt. 9 at 1. For the reasons in that motion, dismissal is proper under Rule 41(a)(2). *See Doe v. Ind. Univ. Bd. of Trustees*, No. 1:19-cv-2204-JMS-DML, 2020 WL 5106564, at *9 (S.D. Ind. Aug. 31, 2020).

Plaintiff's motion to dismiss is **GRANTED**, dkt. [13], and this matter is **dismissed with prejudice**. The Court withdraws its Entry Referring Motion to

Magistrate Judge. Dkt. [11]. That entry is hereby **VACATED**. Defendant's motion to enforce settlement agreement is **DENIED as moot**. Dkt. [9]. Final judgment will issue in a separate entry.

SO ORDERED.

Date: 6/11/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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